



01-20-04

2837

HDP/SB/21 based on PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/755,330
		Filing Date	January 5, 2001
		First Named Inventor	Weaver, et al.
		Group Art Unit	2837
		Examiner Name	Marlon T. Fletcher
Total Number of Pages in This Submission		Attorney Docket Number	0275D-000289

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>Cross-Reference to Related Application and return postcard</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 02-2548. A duplicate copy of this sheet is enclosed.	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Roland A. Fuller	Reg. No. 31,160
Signature			
Date	Jan. 19, 2004		

## CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name	Michele Cholewa	Express Mail Label No.	EV 406 075 816 US (1/19/2004)
Signature		Date	1-19-04

EV 406 075 816 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/755,330

Filing Date: January 5, 2001

Applicants: Weaver, et al.

Group Art Unit: 2837

Examiner: Marlon T. Fletcher

Title: BRUSHLESS DC MOTOR

Attorney Docket: 0275D-000289

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CROSS-REFERENCE TO RELATED APPLICATION**

The Examiner is advised that co-pending USSN 10/169,638 contains subject matter that may be related to the present application. In this regard, USSN 10/169,638 is a national phase application of PCT/US01/00357, filed January 4, 2001 and which claims the benefit of Provisional Application 60/175,133 filed January 07, 2000 (to which the present application also claims the benefit.) The PCT search report for PCT/US01/00357 was submitted as item no. 2 in the "other documents" version in the PTO 1449 submitted with the IDS submitted August 20, 2002. The claims presently being prosecuted in USSN 10/169,638 are the claims that were withdrawn in the present Application due to the restriction requirement and presently stand finally rejected by an Office Action

mailed October 20, 2003 (copy attached) in USSN 10/169,638. Applicants note that the art cited in the attachments to the enclosed Office Action issued in USSN 10/169,638 are already of record in the present application.

Respectfully submitted,

Dated: Jan. 19, 2004

By: R. A. Fuller III  
Roland A. Fuller III  
Reg. No. 31,160

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Final OA Due 1/30/04 Office Action Summary		Application No. 10/169,638	Applicant(s) CLEANTHOUS ET AL.
		Examiner Yahveh Comas	Art Unit 2834
<p><i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i></p>			

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 19 June 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 14-24,26,27,29-39 and 50-55 is/are pending in the application.

4a) Of the above claim(s) 1-13,25,28 and 40-49 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 14-24,26,27,29-39 and 50-55 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1003.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/169,638	10/17/2002	Aris C. Cleanthous	0275D-289USB	6004
27572	7590	10/30/2003	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.				COMAS, YAHVEH
P.O. BOX 828				ART UNIT
BLOOMFIELD HILLS, MI 48303				PAPER NUMBER
				2834

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.